Investigative Summary

On February 16, 1994, at approximately 1730 hours, Subject's Cook and Garcia of the Multi-Jurisdictional Criminal Apprehension Detail (MCAD) were involved in an Officer Involved Shooting. The shooting occurred during the attempted arrest of a wanted felony warrant suspect, Russell Hinman. Suspect Hinman sustained a gunshot wound to the left shoulder during the altercation. Neither of the deputies sustained any injuries.

The MCAD unit had received information that a [redacted] by the name of Russell Hinman was wanted on several felony warrants, including narcotics, weapons and a no-bail [redacted] A wanted flyer, (Exhibit A) was circulated throughout the detail and they had been actively looking for him for two weeks prior to this incident. The flyer contained a picture, as well as a physical description of Russell Hinman. It also included information regarding possible vehicles, and possible weapons. It indicated that Hinman was a member of the "Aryan Brotherhood," and was to be considered "armed and dangerous." On February 16, 1994, Subject Garcia was contacted by a confidential informant who said that Hinman was staying at a house on 226th Street in the City of Torrance.

Witness Gerald Smith, the MCAD supervisor, said the initial information obtained by the unit was that Russell Hinman had been seen in the South Bay area and was known to be armed. The information also indicated that Hinman was making ends meet by robbing drug dealers, and had been known to carry an "Uzi," Witness Smith said they considered Russell Hinman as an extremely dangerous individual. Witness Smith also indicated that some members of the detail were familiar with Russell Hinman as they had [redacted] He said the mission of the MCAD unit was to locate and arrest Russell Hinman

Witness Smith said in the morning hours of February 16, 1994, Subject Garcia received information from a confidential informant that Russell Hinman was staying at a house on 226th Street in the City of Torrance. Witness Smith said an arrangement was made for the informant to go to the house and confirm the presence of Hinman. Witness Smith said several members of the unit set up a surveillance of the house on 226th Street and waited for the confirmation by the informant that Hinman was still inside the location. The informant went into the house and upon exiting, gave a pre-arranged signal to the surveillance team that Hinman was still there.

Witness Smith said prior to the surveillance, the team had discussed tactics on how they would attempt to arrest Hinman if they encountered him. He said the intelligence they had indicated that Russel Hinman would do everything possible to avoid capture. He said if they attempted to have a marked radio car try and make a traffic stop, Hinman would flee, resulting in a high speed pursuit. Witness Smith said another option considered was to surround the house and attempt to order him out. Witness Smith said that option was ruled out because of the number of others inside the house as well as the high volume of foot traffic in and about the location. Witness Smith said the tactical plan he chose was once Hinman became mobile, they were going to do one of two plans. He said if Hinman remained mobile and left the area, they would attempt to do an undercover felony stop, or what they refer to as a "Blue Angel." If Hinman would make a local trip to a convenience store, or a small business nearby, two or three members of the team in an undercover mode, would walk in as patrons and, with the element of surprise, affect an arrest in a fairly safe manner.

Witness Smith said the surveillance team arrived at the location at approximately 1400 hours, and while observing the location noted a large amount of foot traffic to and from the house. He also added the he had worked this area for many years and it is known for drug traffic and an area known for members of the "Aryan Brotherhood." Witness Smith said between 1700 and 1715 hours, Witnesses Gill and Morfew (who had a visual of the house) observed a male matching Hinman's description, exit the house and enter a brown van, (also described as Hinman's) and leave the location.

IAB Note: Witnesses Gill and Morfew maintained their surveillance of the house while other members of the team followed the van.

Witness Smith said when the van started moving, he positioned his vehicle so he could try to make a determination if the driver was in fact Russel Hinman. Witness Smith said when the van turned southbound on Western Avenue from 226th Street, he pulled along side of the van and looked at Hinman. He said he was 95% sure it was Hinman. Witness Smith said Hinman pulled into a left turn pocket at 227th Street and turned eastbound on 227th Street, then into the gas station on the northeast corner of 227th Street and Western Avenue. He said he continued southbound on Western Avenue. He said he attempted to make a U-turn at Sepulveda Boulevard, but was caught in traffic.

Witness Smith said there was a short conversation over the radio as to whether identification of the suspect was sufficient to make contact. He said that if the driver was not Hinman, the suspect would receive word of the undercover operation and go into hiding. Witness Smith said he made the decision to go ahead with the plan to make contact with Hinman while he was at the gas station in an "undercover take-down." Witness Smith said he designated the first two team members to arrive at the gas station as the designated undercover arrest team. He said the rest of the team, including himself, would be the perimeter or back-up team. He said the primary arrest team were to remove their raid vest and approach armed but without any visible identification. He said it was the responsibility of the back-up unit to quickly identify everyone once contact was made.

Witness Smith said before he could make a U-turn and return to the gas station, he heard on the radio that shots had been fired and the suspect was attempting to leave the gas station. He said the suspect fled eastbound on 226th Street from Western Avenue until he crashed into a tree and fled on foot. He added that a containment of the area was made and the suspect was eventually captured.

Witness Wayne Liberator #[redacted] said when Russell Hinman left the location, he was following the van and he too continued southbound Western Avenue when Hinman turned into the gas station. He said he made a U-turn headed back to the gas station. Witness Liberator said the plan was to try and arrest the suspect when he stopped at a local business. He said the plan was for several of the team members to enter the business as regular patrons, and, with the element of surprise, walk up to the suspect while he was outside of his car and make the arrest.

Witness Liberator said by the time he turned around and drove back to the gas station, the decision had been made to arrest the suspect as planned. He said when he pulled into the driveway of the gas station, he saw Subject Garcia's car parked directly behind the suspect's van. He said Subject Garcia was standing at the rear of the car and off to the right. He said just as he was entering the driveway, he saw the tires of the suspect's van begin to smoke and spin. He then saw Subject Garcia fall to the ground and the van begin to pull away. He said it was at this point he heard several gunshots. He said he did not see who was shooting but assumed that the shots were coming from

inside the van and Subject Garcia had been shot by the suspect. Witness Liberator said he saw ATF Agent [redacted] vehicle to the right of the suspect's van as it was going forward. He said he did not see Subject Cook.

Witness Liberator said he followed the suspect's vehicle out of the gas station, and assisted in the containment and search for the suspect.

Witness [redacted] Alcohol, Tobacco, and Firearms Agent, said he was assisting the MCAD Team with the surveillance of Suspect Hinman. He said once the suspect became mobile, and stopped at the gas station at 226th and Western Avenue, the decision was made to arrest the suspect. He said the plan was for several members of the team to enter the gas station as patrons and in an undercover operation, walk up to the suspect while he was outside his vehicle and arrest him.

Witness [redacted] said his understanding was that Subjects Cook and Garcia were going to be the two man team to arrest the suspect and he was there to assist. He said he followed Subject Garcia into the gas station and positioned himself to the right of Subject Garcia. He added, Subject Garcia parked his car directly behind the suspect's van with the bumpers touching. Witness [redacted] said he then saw the suspects van lurch forward then go backwards into Subject Garcia's car. He said as the van started to pull forward, he pulled his car forward and along the side of the suspect's van to block him in. He said as he pulled even with the van, he saw the suspect lean over to the passenger side of the van. He said he then heard the distinct sound of a gunshot and was hit in the face with flying glass through his open driver's window. He said he laid down in the floorboard area of his car and then felt his car being struck by the suspect's van. Witness [redacted] said when he raised up again, he saw the suspect exiting the gas station onto Western Avenue. Witness [redacted] said he remembered seeing Subject Cook wearing a raid vest when the confrontation started.

Subject Garcia stated on February 16, 1994, he was assigned to Safe Streets Bureau, in particular, he was assigned to the Multijurisdictional Criminal Apprehension Detail, (MCAD.) He said earlier in day of February 16, 1994, he was contacted by an informant regarding the whereabouts of a [redacted] by the name of Russell Hinman. Subject Garcia said Russell Hinman was a [redacted] and was wanted for several felony warrants. Subject Garcia said the informant had information that Hinman was staying in the area of 226th Street and Western Avenue, in the City of Torrance. He added the informant telephoned the location were Hinman was staying and verified he was there.

Subject Garcia said an arrangement was made for the informant to go to the location and confirm that Hinman was still inside the location. Subject Garcia said the MCAD team set up a surveillance on the location and the informant entered the location. When the informant exited, she gave a pre-arranged signal, indicating that Hinman was inside. Subject Garcia said they maintained the surveillance of the location and monitored that activities until Hinman exited the location and left in a brown van. Subject Garcia said about an hour elapsed from when the informant confirmed Hinman's presence, and when Hinman left in the van.

Subject Garcia said prior to the team going to the location, informational flyers were handed to each team member. The flyer had a recent picture and pertinent information about Russel Hinman. Included information was that Russel Hinman was considered "armed and dangerous." During a briefing prior to leaving for the location, Sergeant Gerald Smith #[redacted] the team leader, advised

that Russel Hinman was considered a "rabbit" and would attempt to evade any arrest, if given an opportunity. Sergeant Smith also advised that Hinman was knowledgable in surveillance techniques and would probably employ anti-surveillance movements, such as making several stops at gas stations and/or stores.

Subject Garcia said during the surveillance, Sergeant Smith advised the team that Russel Hinman would more than likely leave the location and stop at a nearby store to make a purchase. He said Sergeant Smith further advised that the plan would be for two team members to remove their vest, and any identification they had, remain armed with a concealed weapon, and enter the store after Hinman. An outer perimeter would be maintained by other team personnel wearing a raid vest. This outer perimeter would then act as support and backup for the two undercover members inside. He added that once contact was made between the suspect and the two undercover members, the outer perimeter members were to immediately enter and identify themselves, and make notice that what was occurring was a law enforcement action. Subject Garcia said the plan was to contact and arrest Hinman inside the store to limit his avenues of escape and ability to run. Subject Garcia said there was a contingency plan. He said if Hinman were to remain mobile for a length of time and the opportunity presented itself, a maneuver known a the "Blue Angel" would be done.

IAB Note: The "Blue Angel" traffic stop has been described as an undercover maneuver wherein the suspect's vehicle is "boxed" in by four undercover vehicles. When the undercover vehicles are on all four sides, they begin to close the "box" until the suspect vehicle comes to a stop. The undercover officer in the lead vehicle then lies on the floorboard of his vehicle while the other three officers effect the arrest, using their vehicles as cover and concealment.

Subject Garcia said he, along with Deputy Wayne Liberator, and possibly ATF Agent [redacted], if needed, were to be the undercover members of the operation. Subject Cook along with Sergeant Smith, Deputies Morfew and Gill were assigned as the outer perimeter members. Subject Garcia said when Sergeant Smith assigned him as one of the undercover officers and explained the tactical plan, he had some personal concerns. He said he felt uneasy about walking into a store armed with a handgun and no means to identify himself as a peace officer. He added especially in another jurisdiction, where any off duty officer in the store might perceive the incident as a robbery and take some type of action. Subject Garcia said he mentioned his concerns to Deputy Liberator during the surveillance but felt it would be useless to express them to Sergeant Smith.

Russell Hinman left the location in a blue van and the surveillance team followed him to a gas station at 22620 South Western Avenue. Subject Garcia said he positioned his vehicle along the curb of northbound Western Avenue, just south of the gas station. He said Subject Cook drove by the gas station and confirmed that it was Russel Hinman and he was now pumping gas into the van. Subject Garcia said Sergeant Smith then advised over the radio that they would utilize the undercover arrest plan. Subject Garcia said he was the closest, and removed his raid vest prior to approaching the gas station. The other undercover members, ATF Agent [redacted], and Deputy Liberator advised they were also approaching. Subject Garcia said he entered the gas station from the south driveway and saw Hinman standing along side of the van. Subject Garcia said he pulled his vehicle directly behind Hinman's van. He said he pulled very close but did not touch the bumper.

Subject Garcia said as he exited he vehicle, Hinman was re-entering the van and he abandoned the plan to make contact with the suspect. He said that since Hinman was back in the van and there was no containment of the vehicle, he walked to the rear of his car and allow Hinman to go mobile and not jeopardize the surveillance. Subject Garcia said it is a very common practice that if the

undercover "take down" is not going as planned, to just walk away and allow the surveillance to continue. Subject Garcia said as he walked to the rear of his car away from Hinman, he heard the van start and begin to move forward. Subject Garcia said at this same time, he saw Subject Cook driving toward Hinman's van. He said Subject Cook was accelerating and had the emergency lights on the sun visor activated. Subject Garcia said when he saw Subject Cook approaching, he knew there was going to be a confrontation, possibly a shooting, and he quickly went to the rear of his car.

Subject Cook said on February 16, 1994 he was assigned to the Multi-Jurisdictional Criminal Apprehension Detail, (MCAD,) which is part of the Safe Streets Bureau. He said MCAD/BAT is an undercover surveillance unit that targets career criminals. He said on February 16, 1994, the Detail became aware through an informant, that a wanted [redacted] by the name of Russell Hinman was at an address in Torrance. He said they had been looking for Hinman for awhile and a wanted flyer had been distributed. He said the flyer described Hinman as a member of the "Aryan Brotherhood", who was known to carry weapons and was to be considered "armed and dangerous." Subject Cook said at approximately 0930 that day, it was still unconfirmed that Hinman was at the Torrance location., [redacted]

Subject Cook said sometime between 1430 and 1500 hours, he was notified by Sergeant Smith, the Team Leader, to respond to 226th Street and Western Avenue and assist the team with a surveillance of Russell Hinman. He said there had been no prior specific discussion about any tactical plan to arrest Hinman since the initial information had yet to be confirmed. He said while he was en route from San Pedro to Torrance, he monitored his radio, but because the team was transmitting on "direct mode" he was unable to receive any radio traffic. Subject Cook said he had been instructed to position himself somewhere in the area of 226th Street and Western Avenue, but stay off of 226th Street. Subject Cook said when he arrived, at about 1530 hours, he positioned himself at 224th Street and Western Avenue. He said he was parked on the west side of the street, backed into a driveway.

Subject Cook said for the next hour to an hour and a half, there was some discussion over the radio about a tactical plan, but not a lot. He said a couple of scenarios were talked about but nothing was set in stone. He said most of the radio traffic was information about the activities at the location on 226th Street. Subject Cook said he remembered some discussion regarding using a "Blue Angel" and other comments about using marked patrol vehicles to apprehend Hinman if he went "mobile."

When Russell Hinman exited the house on 226th Street and entered his van and left, Subject Cook said his role in the operation was unclear. He said Hinman drove east on 226th Street, south on Harvard Avenue, west on 227th Street until finally he stopped at a gas station at 227th Street and Western Avenue. Subject Cook said while Hinman was moving, there was still discussion over the radio as to how they were going to approach Hinman. He said Sergeant Smith was giving instructions, and wanted to confirm that the driver of the van was in fact Russell Hinman. Subject Cook said after some more questions and answers Sergeant Smith decided to approach Hinman while he was pumping gas.

Subject Cook said the plan included Subject Garcia and Witness Wayne Liberator as the primary and secondary arrest team and were to approach Hinman in an undercover mode. He said he was designated as a back up. Subject Cook said this plan was decided by Sergeant Smith while Hinman

was at the gas station pumping gas, just prior to him reentering the van. Subject Cook said his role as back up was to be out of his vehicle, while Garcia and Liberator approached Hinman. He said he was to be close enough in case Hinman fled on foot, or a struggle ensued, yet far enough away to avoid detection by Hinman prior to Garcia's contact.

Subject Cook said when he first saw Russell Hinman in the gas station, he was passing the gas station while traveling southbound Western Avenue. He said he made a U-turn at 228th Street and drove northbound Western Avenue then turned eastbound on 227th Street. Subject Cook said he drove to mid-block, made another U-turn and drove back westbound to Western Avenue. He said he observed Hinman pumping gas and confirmed that it was Russell Hinman. He said he then turned northbound Western Avenue and after passing the gas station made yet another U-turn and entered the gas station's north driveway. Subject Cook said from that vantage point, he saw Subject Garcia pull into the gas station, and stop directly behind Hinman's van. He said he could also see ATF Agent [redacted] also pull into the gas station behind Garcia. He said at this same time Hinman was replacing the pump nozzle and walked to the driver's door of his van. He said he could see Subject Garcia, who had exited his car, walk to the rear of his vehicle.

Subject Cook said when he saw Hinman get into his van he continued driving through the gas station to a position just in front of and adjacent to Hinman's van. He said he drove casually to that position because there were many people traversing through the parking lot and it would have been hazardous to drive fast through the parking lot. He said as he drove toward the van, he advised over the radio that Hinman had reentered his van. He also said he activated his red and blue emergency lights located on the passenger sun visor.

Subject Cook said he exited his vehicle, and at gunpoint yelled at Hinman, "Police, Freeze!" He said Hinman was seated in the driver's seat of his van, and looked at him and they made eye contact. Subject Cook said he was wearing blue jeans, a blue shirt with a Sheriff's raid vest. He said the raid vest is a ballistic vest covered with identifiable markings identifying him as a Deputy Sheriff. He said the van had just started forward, but upon seeing him, Hinman violently accelerated backwards striking Garcia's car. Subject Cook said he saw Subject Garcia, who by this time was standing at the rear of his car, get knocked to the ground.

Subject Cook said when he saw Subject Garcia walk to the rear of his car and Hinman reentered his van he felt that operation went from a static situation to a dynamic situation. He said he felt the operation was compromised and decided himself to confront Hinman before Hinman could leave the gas station. He said it did not occur to him that Garcia was abandoning the undercover operation. He said he felt that Hinman realized that they were there and when Subject Garcia walked to the back of his car, he assumed the role of the primary arrest team, and decided to confront Hinman.

Subject Cook said after Hinman rammed Garcia's car, he saw Hinman lean to the right and come up with a 4" blue steel revolver, in his right hand. Subject Cook said he fired three rounds at Russell Hinman. The first round shattered the driver's window, the second round struck the door post, and the third round struck Hinman in the upper left shoulder. Subject Cook said when he fired the three rounds, he was standing behind the open driver's door of his vehicle using it for cover and concealment. Subject Cook said when he fired the third shot, Hinman had already started accelerating forward.

Subject Cook said Hinman continued accelerating forward in a northern direction through the gas

station. Subject Cook said he fired an additional three rounds at Hinman when he was just in front of the snack shop of the gas station. He said he could see the block wall of the shack shop as the back drop in his field of fire. Subject Cook said Hinman continued north through the parking lot and struck several parked cars which stopped Hinman's van. Subject Cook said he thought the situation was over but to his amazement, Hinman accelerated again west through the parking lot and exited the driveway onto Western Avenue. Subject Cook said as Hinman was driving west toward the driveway, he fire two additional rounds at Hinman's driver's door. He said the backdrop for his field of fire at this point was a building. He said he was specifically shooting into the door in an effort to incapacitate Hinman, and cause him to stop accelerating.

Subject Cook said he did not believe that shooting at Hinman as he was accelerating through the parking lot was shooting at a fleeing vehicle. He said he considered Hinman as a imminent threat to the people who were fleeing through the gas station. He said knowing Russell Hinman's past record, Hinman was not going to stop at any cost. He said he believed Hinman would run over anyone that got in his way. Subject Cook said as he was firing at Hinman, he stayed behind his driver's door and as Hinman drove through the gas station, he remained at that spot and pivoted to his left as Hinman proceeded. Subject Cook said there were several people being about the gas station, but none were ever in his field of fire. He described the lighting conditions at the time of the shooting as very good. He said it was just before dusk and visibility was unlimited. He added there was ample lighting to distinguish colors.

On October 21, 1994, The Los Angeles County District Attorney's Office rendered it's decision regarding the shooting. They concluded that Subjects Cook and Garcia acted lawfully and declined to file criminal charges, (See Exhibit B)

Also included in this investigation is the Shooting Review Package, (Exhibit A), which includes the Homicide Investigation, as well as photos.